

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA

Case No. 39576

)
) Subcase 92-00021

) (Interim Administration)

) ORDER GRANTING STATE OF IDAHO'S

) MOTION FOR ORDER OF INTERIM

) ADMINISTRATION (BASIN 37, PART I)

On August 30, 2002, the State of Idaho filed a Motion for Order of Interim Administration pursuant to I.C. § 42-1417, seeking administration of water rights located in Administrative Basin 37, Part I, in accordance with the Director's Reports for those water rights or in accordance with partial decrees that have superseded the Director's Reports. On that same date the State of Idaho served copies of the Motion supporting briefing and affidavits and notice of hearing on all affected parties by U.S. Mail.¹ The State of Idaho filed the Certificate of Service with the Court on that same date

On November 19, 2002, the Court held a hearing on the State of Idaho's Motion. This Court, having heard the Motion and reviewed the pleadings, makes the following findings of fact and conclusion of law and enters its Order as follows:

¹ The "affected parties" are claimants in Administrative Basin 37, Part I, with water rights within the area shown on Attachment I, other than small domestic and stockwater rights as defined under Idaho Code §§ 42-111 and 42-1401A(11).

A. FINDINGS OF FACT

1. The State of Idaho has complied with the service requirements of I.C. § 42-1417(2)(b).
2. The available water supply in Administrative Basin 37, Part I, is currently not adequate to satisfy some senior priority water rights and is projected in the future to be insufficient, at times, to satisfy these water rights.

B. CONCLUSION OF LAW

1. Interim administration in Administrative Basin 37, Part I, shown on Attachment I in accordance with the Director's Reports and the partial decrees for water rights is reasonably necessary to protect senior water rights in accordance with the prior appropriation doctrine as established by Idaho law.

C. ORDER

The State of Idaho's Motion for Interim Administration is hereby GRANTED. Pursuant to Idaho Code § 42-1417, the Court authorizes distribution of water pursuant to chapter 6, title 42, Idaho Code in accordance with the Director's Reports and the partial decrees that have superseded the Director's Reports, in Administrative Basin 37, Part I, as shown on Attachment 1.

This Order shall continue in force and effect until modified or dissolved by this Court.

DATED this 19th day of November 2002.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

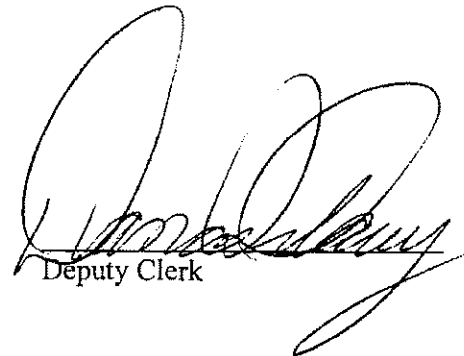
CERTIFICATE OF MAILING

I certify that a true and correct copy of this ORDER GRANTING STATE OF IDAHO'S MOTION FOR ORDER OF INTERIM ADMINISTRATION was mailed on November 19, 2002, with sufficient first-class postage to the following:

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Deputy Clerk